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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,900	06/04/2004	Gary S. Strumolo	81093148 (FGT 1898 PA)	3899
28549	7590	04/13/2006	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			CROSLAND, DONNIE L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/709,900

Applicant(s)

STRUMOLO ET AL.

Examiner

DONNIE L. CROSLAND

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The substitute specification filed 1-31-06 conforms to 37 CFR 1.125(b) and (c) and has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luna et al in view of Mattes et al, both newly cited.

Luna shows the method and apparatus for operating a lane change (blind spot) and provides for the provision of magnetoresistive sensors for sensing a magnetic field change caused by a target object in or near a vehicle destination lane, see paragraphs 0009-0012.

Luna shows that the sensor signals is analyzed by a logical circuit which determines whether the detected values correspond to the presence of an object in the blind spot, paragraphs 0009 and 0010.

The logical circuit is analogous to the claimed controller and algorithm.

Luna provides for indicator elements activated by the output signals produced by the sensors, paragraph 0009.

Luna fails to suggest a signal for activating a vehicle system in response to a sensor signal.

Mattes et al show a warning system for a host vehicle and provides for a magnetoresistive sensor for providing a signal for activating a vehicle system such as a brake system 9 or safety device 10 in the form of an airbag, see col. 2, lines 30-35, col. 3, lines 15-33.

It would have been obvious to one having ordinary skill in the art to activate a vehicle system such as brakes or an airbag in response to a specific sensor as produced by the magnetoresistive sensor in Luna because the specific use and advantages of the activation of a vehicle system such as brakes or an airbag in response to a specific sensor as produced by the magnetoresistive sensor is clearly suggested by Mattes et al.

The use of second, third, and forth magnetoresistive sensors involves a duplication of parts and would not involve patentable invention since only duplication of function is achieved.

Mattes also provides for a controller 6 in figure 2.

A bus is conventional in processing systems and the use of such would not involve patentable invention, for instance vehicle bus in conventional microprocessor employed in vehicles.

With respect to claim 3, note velocity sensor 7 in figure 2 of Mattes et al.

With respect to claim 4, the interface would be with respect to the controller 6 and safety device 10.

Claim 6 involves a duplication of parts and would not involve patentable invention.

Claims 7 and 8 involves location of well-known devices and such location would not involve patentable invention.

The algorithm is the program for the controller of Matte and the logical circuit of Luna.

With respect to claim 10, note threshold comparison 16 in figure 4 of Mattes for accident assessment, col. 3, lines 43-62.

With respect to claim 11, the countermeasure is the airbag or brakes in Matte.

With respect to claim 16, note the characteristic quantities in col. 3, lines 43-62 of Matte.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bartingale et al, Perez et al, and Bomya are cited as of interest in showing magneto sensors for use in combination with vehicles for detection purposes. Bartingale shows the compute algorithm for the processing of the field sensors.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is 571-272-2980. The examiner can normally be reached on Mon-Thur, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DONNIE L. CROSLAND  
Primary Examiner  
Art Unit 2612

DLC *u*  
4-10-06